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ATTACHMENT 1

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**PLANNING COMMISSION  
RESOLUTION NO. 2017-\*\***

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND  
APPROVING SITE PLAN AND ARCHITECTURAL REVIEW, AS CONDITIONED, FOR THE  
PROPOSED FREESTANDING 2,728 SQUARE-FOOT TACO BELL RESTAURANT WITH AN  
ASSOCIATED DRIVE-THROUGH LOCATED AT 1916 STATE ROUTE 65 IN THE  
SETTLER'S VILLAGE SHOPPING CENTER IN WHEATLAND, CALIFORNIA**

**WHEREAS**, the City received an application from Walter Plunkett, for site plan and architectural review approval for the proposed freestanding 2,728 square-foot taco bell restaurant with an associated drive-through located at 1916 state route 65 in the settler's village shopping center in Wheatland, California (APN: 015-640-009); and

**WHEREAS**, the City of Wheatland previously adopted a use permit to construct a 3,600-square foot fast food restaurant with drive-through window in the Settler's Village Shopping Center; and

**WHEREAS**, the proposed project requires approval of a site plan and architectural review, in accordance with Title 18, Chapter 18.67 of the Wheatland Municipal Code; and

**WHEREAS**, appropriate applications were filed and deemed complete by the Wheatland Community Development Department on June 13, 2017; and

**WHEREAS**, the project's potential environmental impacts have been addressed in the previously adopted 2004 Wilson's Settlers Village Shopping Center Initial Study, and;

**WHEREAS**, the proposed project application was reviewed for compliance with all applicable sections of the Wheatland Municipal Code; and

**WHEREAS**, the Planning Commission completed its review of the proposed development and information contained in the staff report at its meeting on July 18, 2017; and

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission does hereby make the following findings of fact for approval of the requested site pan and architectural review:

1. The proposed Taco Bell restaurant and associated drive-through would be compatible in design with the surrounding area.
2. The proposed Taco Bell restaurant and associated drive-through would comply with the zoning ordinance standards.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Planning Commission **ADOPTS** the resolution approving site plan and architectural review, for the proposed freestanding 2,728 square-foot Taco Bell restaurant with an associated drive-through located at 1916 State Route 65 in the Settler's Village Shopping Center in Wheatland, California (APN: 015-640-009), subject to the following conditions:

1. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is

any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.

2. No building permit shall be issued unless the plan conforms to the site plan as approved by the Planning Commission and the standards of the City.
3. This approval expires two years from the date of approval (expires July 18, 2019), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Community Development Director. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one one-year extension shall be granted.
4. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
5. The development and all proposed improvements shall comply with the City of Wheatland Municipal Code and City Standards unless a specific exception is granted thereto or as approved by the City Engineer.
6. The developer shall obtain an encroachment permit for all work to be done within the public right-of-way or easements, and peak commute-hour traffic shall not be impeded by construction related activity.
7. The use of construction equipment is restricted to weekdays between the hours of 8:00 AM and 5:00 PM. Requests for alternative days/times may be submitted in writing to the City Engineer for consideration.
8. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
9. All signs shall be in compliance with the adopted Settler's Village Master Sign Plan, subject to review and approval by the Community Development Department.
10. Landscaping, grading and signage shall not create a sight distance problem.
11. All trees shall conform to the adopted City of Wheatland recommended Street Tree List.
12. All landscaping shall be permanently maintained in good condition.
13. All building permit plans shall identify the project address as the following:

1916 State Route 65  
Wheatland, CA 95692

\* \* \* \* \*

I **HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Wheatland at a regular meeting thereof held on the 18<sup>th</sup> day of July, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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TIM RANEY  
Community Development Director